

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Kim	Team: Squad #6	CCRB Case #: 201911076	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/19/2019 10:20 PM	Location of Incident: [REDACTED]	Precinct: 76	18 Mo. SOL 6/19/2021	EO SOL 2/3/2022	
Date/Time CV Reported Thu, 12/19/2019 11:03 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/30/2019 11:24 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Licciardi	10646	961889	076 PCT
2. POF Alexandra Lang	21929	946605	076 PCT
3. POM Bradley Tirol	24778	946328	076 PCT
4. An officer			
5. SGT Ywoeh Alrubyai	03251	944319	PROPCLK

Officer(s)	Allegation	Investigator Recommendation
A.POM Bradley Tirol	Abuse: Police Officer Bradley Tirol stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POF Alexandra Lang	Abuse: Police Officer Alexandra Lang failed to provide § 87(2)(b) with a business card.	[REDACTED]
C.POM Robert Licciardi	Abuse: Police Officer Robert Licciardi failed to provide § 87(2)(b) with a business card.	[REDACTED]
D.POM Bradley Tirol	Abuse: Police Officer Bradley Tirol failed to provide § 87(2)(b) with a business card.	[REDACTED]
E.SGT Ywoeh Alrubyai	Abuse: Sergeant Ywoeh Alrubyai failed to provide § 87(2)(b) with a business card.	[REDACTED]
F.POM Bradley Tirol	Abuse: Police Officer Bradley Tirol threatened to arrest § 87(2)(b)	[REDACTED]
G. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]

Case Summary

On December 19, 2019, § 87(2)(b) filed the following complaint over the phone with IAB. On December 30, 2019, IAB Log #2019-45656 was received at the CCRB.

On December 19, 2019 at approximately 10:20 p.m., at an unknown location, a dispute arose between § 87(2)(b) and the unidentified driver of the car that was behind him. The unidentified individual drove over the curb to go around § 87(2)(b) who called 911 and followed him in his vehicle. They continued to drive for a few blocks when the individual saw a parked police vehicle and pulled up next to it to report the situation. PO Bradley Tirol of the 76th Precinct allegedly pulled § 87(2)(b) over after speaking with the individual (**Allegation A—Abuse of Authority**, § 87(2)(g)). PO Tirol left in his vehicle when PO Alexandra Lang and PO Robert Licciardi of the 76th Precinct arrived on scene. § 87(2)(b) asked PO Lang and PO Licciardi for their business cards, and they were not provided (**Allegation B and C—Abuse of Authority**, § 87(2)(g)). PO Tirol returned to the location with Sgt. Ywoeh Alrubyai of the 76th Precinct. § 87(2)(b) requested business cards from PO Tirol and Sgt. Alrubyai, and they were not provided (**Allegation D and E—Abuse of Authority**, § 87(2)(g)). PO Tirol and one other male officer told § 87(2)(b) that if the officers filed a report, both § 87(2)(b) and the other driver would be arrested (**Allegation F—Abuse of Authority**, § 87(2)(g)). **Allegation G—Abuse of Authority**, § 87(2)(g)). PO Tirol gave § 87(2)(b) the option to drop the complaint and leave the location, and § 87(2)(b) chose to leave. § 87(2)(g), § 87(4-b). No arrests or summonses were made during the incident.

No video footage was obtained for this incident. The BWC requirement for disputes was updated in July 2020. As this incident occurred on December 19, 2019, the officers would not have been required to activate their BWC for a dispute (**BR 01**). Moreover, as it was disputed whether this was a vehicle stop, no allegation of Other Misconduct for BWC was pleaded.

Findings and Recommendations

Allegation A—Abuse of Authority: PO Bradley Tirol stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified (**BR 02**) that on December 19, 2019 at approximately 10:20 p.m. at an unknown location, following a traffic dispute with another individual. The unidentified individual drove over the curb to go around § 87(2)(b)'s vehicle. § 87(2)(b) dialed 911. The individual drove ahead with § 87(2)(b) following for a few blocks, until the individual saw a parked police vehicle on another single-lane, one-way street and stopped next to it. PO Tirol exited the vehicle to speak to the individual, and then pulled § 87(2)(b)'s vehicle over.

A DMV search of the individual's license plate number yielded the name, § 87(2)(b). § 87(2)(b) was contacted, and he stated that he did not have any recollection of the incident.

PO Tirol testified (**BR 03**) that he responded to PO Lang and PO Licciardi's job involving a verbal dispute between two motorists at § 87(2)(b). PO Tirol did not remember how the incident started or if he was the first officer who interacted with the two motorists. PO Tirol's memo book (**BR 04**) notes that he was assigned to vehicle #§ 87(2)(b) with Sgt. Alrubyai. His memo book also has entries noting that at 10:25 p.m he responded to a 10-52 (dispute) in the confines of § 87(2)(b) in regards to 76-B dispute. At 10:50 p.m he noted he was resuming patrol.

PO Licciardi stated (BR 05) he and PO Lang arrived, Sgt. Alrubayi and PO Tirol were with § 87(2)(b) and an individual. § 87(2)(b) and the individual were engaged in a verbal dispute concerning a road rage incident. There were no other officers on scene when PO Licciardi arrived. PO Licciardi did not recall if Sgt. Alrubayi informed him why the vehicles had been stopped there. PO Licciardi has memo book entries (BR 06) that at 10:21 p.m. he responded to a dispute at § 87(2)(b). At 10:48pm he noted the job as a non-crime corrected “just a dispute.”

PO Lang’s statement (BR 07) was consistent with PO Licciardi’s. PO Lang’s memo book entries (BR 08) for this incident are identical to PO Licciardi’s.

Sgt. Alrubayi testified (BR 09) that when he responded to a radio run regarding a dispute, PO Lang and PO Licciardi were already on scene. Sgt. Alrubayi did not pull the vehicles over. Sgt. Alrubayi spoke with PO Lang and PO Licciardi, who explained that Sgt. Alrubayi was called because § 87(2)(b) requested to speak with a supervisor. Sgt. Alrubayi did not know how the incident began, nor if PO Lang and PO Licciardi performed a vehicle stop.

Event # § 87(2)(b) (BR 10) notes that § 87(2)(b) called 911 to report the dispute, and § 87(2)(b) informed the operator that the other individual reported the dispute to officers in vehicle # § 87(2)(b).

§ 87(2)(b) testified that PO Tirol spoke with the individual who pulled up to a marked police vehicle, and then pulled his vehicle over, after which PO Lang and PO Licciardi arrived. None of the officers remembered how the incident began or if Sgt. Alrubayi and PO Tirol ever left and returned. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) did not confirm his involvement in this incident and stated he had no recollection of it. PO Tirol did not remember what role he played, if any, when first interacting with § 87(2)(b). No video footage of the incident was obtained.

§ 87(2)(b), § 87(2)(g)

Allegation B—Abuse of Authority: PO Alexandra Lang failed to provide § 87(2)(b) with a business card.

Allegation C—Abuse of Authority: PO Robert Licciardi failed to provide § 87(2)(b) with a business card.

Allegation D—Abuse of Authority: PO Bradley Tirol failed to provide § 87(2)(b) with a business card.

Allegation E—Abuse of Authority: Sgt. Ywoeh Alrubayi failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that PO Tirol called another unit to the location and left in his vehicle when PO Lang and PO Licciardi arrived. PO Lang and PO Licciardi asked § 87(2)(b) and the other individual what happened, and they each explained. § 87(2)(b) requested business cards from PO Lang and PO Licciardi, who stood two to three feet from him. PO Lang and PO Licciardi responded, “Okay,” then returned to their vehicle and never came back with their cards. Shortly after, PO Tirol and Sgt. Alrubayi returned to the incident location, and § 87(2)(b) requested their business cards. They said okay and were responsive to his requests, but they did not provide their business cards.

PO Lang did not recall what, if any, information had been provided to her in the initial radio run, other than that it was a dispute. PO Lang did not remember the specific details of the conversation regarding the road rage incident. PO Lang did not recall if § 87(2)(b) ever requested her business card or any other identifying information. PO Lang had her business cards during the incident and would have provided them if asked. PO Lang did not refuse to provide her business card to § 87(2)(b). PO Lang did not recall if § 87(2)(b) requested PO Licciardi, Sgt. Alrubyai, PO Tirol, or any other officers for their business card or any other identifying information, or if they refused to provide them. PO Lang did not remember if she provided her business card to either individual.

PO Tirol, PO Licciardi, and Sgt. Alrubyai's statements were consistent with PO Lang's. They did not recall how the incident began, or if it began with a vehicle stop.

Officers shall offer a business card to such person at the conclusion of law enforcement activity that does not result in an arrest or summons. The term "law enforcement activity" means any of the following activities when conducted by an officer: 1. Noncustodial questioning of individuals suspected of criminal activity; 2. Pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will; 3. Frisks; 4. Searches of persons or property, including vehicles; 5. Roadblock or checkpoint stops, including checkpoints related to enforcement of article 31 of the vehicle and traffic law, but not including planned security checks of vehicles at sensitive locations or street closures for public events or emergencies; 6. Home searches; and 7. Investigatory questioning of victims of or witnesses to crimes, **NYC Administrative Code 14-174 (BR 11)**.

§ 87(2)(b) stated that he requested business cards from PO Tirol, PO Lang, PO Licciardi, and Sgt. Alrubyai. Although he stated that his request was acknowledged, the officers did not provide their business cards. The officers did not remember or denied that § 87(2)(b) requested business cards. The officers testified that they did not refuse to provide their business cards to § 87(2)(b). There is no video footage of this incident, and § 87(2)(b) did not recall this incident. § 87(2)(b), § 87(2)(g)

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Allegation F—Abuse of Authority: PO Bradley Tirol threatened to arrest § 87(2)(b)

Allegation G—Abuse of Authority: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that PO Tirol explained that § 87(2)(b) had two options regarding how to proceed with the incident. He was informed that if he wanted to move forward with the complaint, the officers would arrest § 87(2)(b) for disorderly conduct and arrest the other individual for criminal mischief. Sgt. Alrubyai or PO Licciardi repeated the same options to § 87(2)(b) but § 87(2)(b) could not specify which officer. § 87(2)(b) asked PO Tirol if he could just give up the report and go home. PO Tirol allowed him to do so. There was no report filed and no arrests made.

PO Tirol did not remember if he told § 87(2)(b) that if he wanted to file a complaint, he would be arrested for disorderly conduct and the other individual would be arrested for criminal mischief. PO Tirol did not remember if § 87(2)(b) asked the officers to file a report. PO Tirol did not remember if any other officers made the alleged statement to § 87(2)(b).

Sgt. Alrubyai, PO Lang and PO Licciardi did not make the alleged statement to § 87(2)(b). None of the officers, including PO Tirol, testified that they made the statement. § 87(2)(b) and the other driver could not have been arrested for disorderly conduct or criminal mischief. Neither individual committed any violations that they could have been arrested or issued a summons for.

PO Licciardi added that he did not recall if either individual asked to complete an incident report or accident report, or if they wanted any other documentation such as a criminal report.

§ 87(2)(b) alleged that PO Tirol and an unidentified male officer threatened to arrest him and the other individual when he requested a report to be prepared. The officers all denied that anyone made the alleged statement to § 87(2)(b). There is no video footage of this incident.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB Complaint § 87(2)(b) has been party to. **(BR 14)**
- Sgt. Alrubyai has been a member-of-service for 13 years and this is the first CCRB complaint to which he has been a subject.
- PO Tirol has been a member-of-service for 13 years and has been a subject in one complaint and three allegations, none of which were substantiated. § 87(2)(g)
- PO Lang has been a member-of-service for 12 years and this is the first CCRB complaint to which she has been a subject.
- PO Licciardi has been a member-of-service for 4 years and has been a subject in one complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of

- convictions in NYC (**BR 15**).
- As of January 13, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**BR 16**).

Squad No.: 6

Investigator: Lily Kim Investigator Lily Kim 1/28/2021
Signature Print Title & Name Date

Squad Leader: Jessica Pena IM Jessica Peña 1/28/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date